



AF/RFW

Docket No.: 1293.1746

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Young-woo Lee, et al.

Serial No. 10/603,813

Group Art Unit: 2627

Confirmation No. 2773

Filed: June 26, 2003

Examiner: Jorge L. Ortiz-Criado

For: APPARATUS AND METHOD FOR IDENTIFYING DISC TYPE

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Entry of this Reply Brief is respectfully requested. This Reply Brief is submitted in response to the Examiner's Answer, mailed June 8, 2009.

STATUS OF CLAIMS

Appealed claims 10-12, 14-16 and 18 have been rejected and are on appeal. Claims 1-9, 13, 17 and 19-22 have been cancelled.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 10-12, 14-16 and 18 stand rejected under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Kuroda et al. (US 6,144,625) (hereinafter "Kuroda").

ARGUMENT

In the Examiner's Answer, in the "Response to Argument" section, beginning on page 6 of the Answer, the Examiner responded to the Appellants arguments in two subsections, labeled (A) and (B). The Appellants respectfully reply to each of the arguments in subsections (A) and (B) below.

Subsection (A) - The Examiner argues that *immediately* after enabling tracking refers to *immediately* after controlling tracking servo conditions.

Referring below to Figure 3 of the present application, which is reproduced below for the convenience of the Board, it is clear that independent claim 10 of the present application recites detecting an LLP signal (by detecting a certain voltage level) from a push-pull signal after enabling tracking, **not after controlling tracking servo conditions**.

Referring to steps S4 and S5 in Figure 6 of Kuroda below, which is reproduced below for the convenience of the Board, it is clear that Kuroda discloses detecting PREPIT by closing the tracking servo loop if an amplitude level of a push-pull signal is higher than a predetermined value (reference value A) after checking the tracking error signal, and not detecting PREPIT if the amplitude level of the push-pull signal is less than the reference value A after checking the tracking error signal.

That is, claim 10 of the present application recites detecting an LLP signal after enabling tracking regardless of the tracking error signal, whereas, Kuroda discloses detecting PREPIT only if the amplitude level of a push-pull signal is higher than the reference value A after checking the tracking error signal.

In addition, Kuroda further discloses determining that the optical disc is neither a DVD-ROM nor a DVD-R or DVD-RAM, if PREPIT is not detected from an optical disc, **until a predetermined time from the start of the timer has passed**, waiting until the predetermined time from the start of the timer has passed if PREPIT is detected from the optical disc, and checking whether an error in a decoding process has been detected if the predetermined time from the start of the timer has passed. Kuroda further discloses determining that the optical disc is a DVD-R if an error in the decoding process was detected and the detected error can be corrected in accordance with a prepit signal format of a DVD-R, determining that the optical disc is a DVD-RAM if an error in the decoding process was detected and the detected error cannot be corrected in accordance with the prepit signal format of a DVD-R, and determining that the optical disc is a DVD-R if an error in the decoding process was detected.

As described above, based on the technical feature of determining that the optical disc is neither a DVD-ROM nor a DVD-R or DVD-RAM, if PREPIT is not detected from an optical disc until a predetermined time from the start of the timer has passed, it is respectfully submitted that the timer in Kuroda is **a required condition** to determine an optical disc type.

Regarding the Examiner's note that claim 10 includes the transitional phrase "comprising," and further notes that that this is a term of art that is open ended, and that therefore other elements or steps may be added, it is respectfully submitted that the feature of claim 10 where an LPP signal detector that detects a certain voltage level in the push-pull signal immediately after the servo controller enables tracking clearly precludes an additional an additional operation from taking place in between the servo controller enables tracking and the LPP signal detector detecting a certain voltage level in the push-pull signal. It is well settled that an individual claim element may be closed if the closed language appears in a clause of the body of a claim, rather than immediately following the preamble, and therefore it limits only the element set forth in that clause.

Figure 3 of present application

FIG. 3

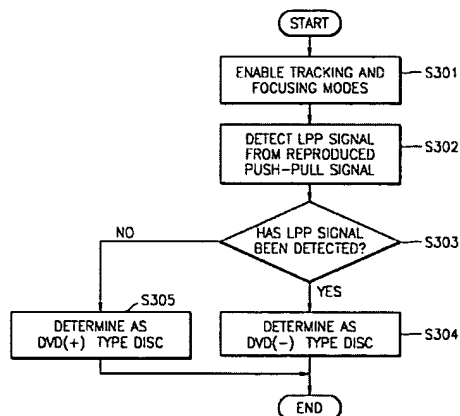
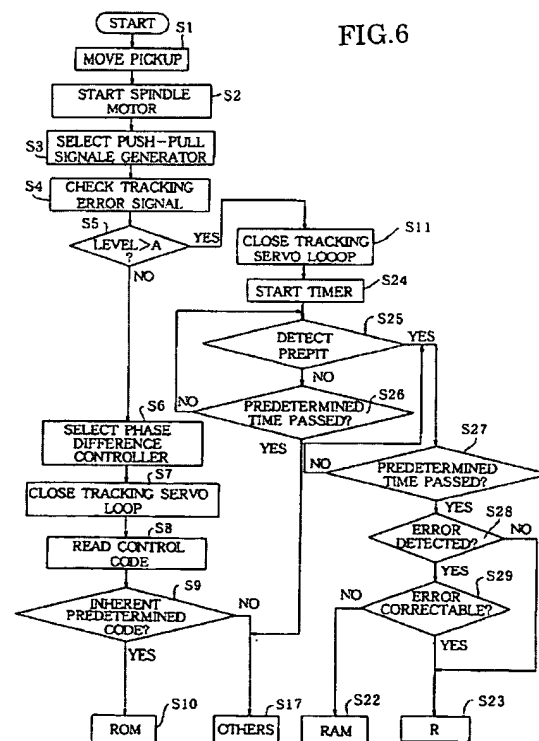


Figure 6 of Kuroda

FIG. 6



Subsection (B) - The Examiner argues that *immediately* is not explained in the specification.

Claim 10 of the present application recites determining whether the disc is a DVD(+) type disc or a DVD(-) type disc by detecting a certain voltage level from the push-pull signal, whereas, Kuroda discloses determining that the optical disc is neither a DVD-ROM nor a DVD-R or DVD-RAM, only if PREPIT is not detected from an optical disc until a predetermined time from the start of the timer has passed.

Since Kuroda does not immediately determine the optical disc type only if a predetermined time from the start of the timer has passed after detecting PREPIT, Kuroda should further consider conditions regarding the error detection and error correctable state, as shown in steps S28 and S29 of Figure 6 of Kuroda. Therefore, Kuroda cannot determine the optical disc type by only determining whether or not PREPIT is detected and Kuroda further needs additional conditions.

For the foregoing reasons, it is respectfully submitted that claim 10 of the present application and its dependent claims are allowable over Kuroda.

CONCLUSION

In summary, the Appellant submits that claims 10-12, 14-16 and 18 patentably distinguish over Kuroda. Reversal of the Examiner's rejections is respectfully requested.

Respectfully submitted,

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